

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

ECOFACOR, INC.,

Plaintiff,

v.

GOOGLE LLC,

Defendant.

Case No. 6:20-cv-00075-ADA

**DECLARATION OF REZA MIRZAIE IN SUPPORT OF
ECOFACOR'S MOTION TO EXCLUDE EXPERT OPINIONS OF TODD
SCHOETTELKOTTE**

I, Reza Mirzaie, declare and state as follows:

1. I am a member of the State Bar of California and a partner at the firm of Russ August & Kabat, counsel of record for Plaintiff EcoFactor, Inc. in the above-captioned action. I have personal knowledge of the facts set forth herein, and if called upon to testify, could and would testify competently thereto.

2. Attached as Exhibit A is a true and correct copy of an excerpt from Expert Report of W. Todd Schoettelkotte Relating to EcoFactor's Damages, October 22, 2021.

3. Attached as Exhibit B is a true and correct copy of an excerpt from W. Todd Schoettelkotte's Deposition of October 28, 2021.

4. Attached as Exhibit C is a true and correct copy of excerpts from EF_0665732-EF_0666057 at EF_0665737-738, EF_0665738, and EF_0665739.

5. Attached as Exhibit D is a true and correct of excerpts from the a common stock valuation EF_0895548 at 089557.

6. Attached as Exhibit E is a true and correct copy of excerpts August 24, 2021 Google First Supp. Responses to EcoFactor's First Set of Interrogatories.

7. Attached as Exhibit F is a true and correct copy of excerpts from the Protective Order in *Certain Smart Thermostat Systems, Smart HVAC Systems, Smart HVAC Control Systems, and Components Thereof*, Inv. No. 337-TA-1258.

8. Attached as Exhibit G is a true and correct copy of an Email dated September 20, 2021.

9. Attached as Exhibit H is a true and correct copy of an Email Exchange Between Counsel for Ecobee and counsel for Trane.

10. Attached as Exhibit I is a true and correct copy of an Email Exchange Between Counsel for EcoFactor and Counsel for Google.

11. Attached as Exhibit J is a true and correct copy of an excerpt of Google's Fifth Supplemental Initial Disclosures dated Sept. 20, 2021.

12. Attached as Exhibit K is a true and correct copy of a excerpts of from Google's Responses to EcoFactor's First Set of Requests for Production, dated January 22, 2021.

13. Attached as Exhibit L is a true and correct copy of an excerpt of GOOG-ECOF-WDTX1-00001560.

14. Attached as Exhibit M is a true and correct copy of an excerpt of Google's Second Supplemental Responses to EcoFactor's First Set of Interrogatories, dated September 1, 2021.

15. Attached as Exhibit N is a true and correct copy of an excerpt of an Email thread between counsel for Google and EcoFactor regarding what information EcoFactor was seeking through this discovery.

16. Attached as Exhibit O is a true and correct copy of an excerpt of The Production Letter dated October 22, 2021.

I declare under penalty of perjury pursuant to the laws of the United States that the foregoing is true and correct.

Executed on November 19, 2021 at Los Angeles, California.

/s/ Reza Mirzaie